

REMARKS

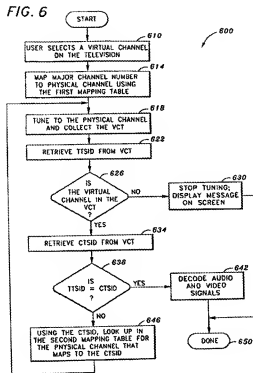
Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 2 and 4-9 are now pending, wherein claims 1 and 5 are amended and claims 7-9 are new. It is respectfully submitted that the amendment to claim 1 is not a narrowing amendment.

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 6,775,843 (McDermott), U.S. Patent No. 6,707,508 (Mears) and U.S. Patent Application Publication No. 2005/0005307 (Kim). This ground of rejection is respectfully traversed.

The combination of McDermott, Mears and Kim does not render claim 1 obvious because the combination does not disclose or suggest all of the elements of this claim. For example, the combination does not disclose or suggest:

(II) when the control unit could not find channel information for the desired channel in the memory, the control unit shifts a frequency to search for the physical channel and references the VCT for channel selection when it could obtain the VCT and, otherwise, selects such a channel that has the smallest sub-channel number in the same physical channel as the desired channel.

The Office Action largely relies upon Figure 6 of McDermott (reproduced below) to reject claim 1.



As illustrated in Figure 6 of McDermott, in response to a user selection of a virtual channel (step 610), a first mapping table is employed to identify a physical channel (step 614), a VCT is obtained from the physical channel (step 618), and information in the retrieved VCT is used to determine whether the user selected virtual channel is in the retrieved VCT (step 626).

The rejection of claim 1 relies upon the "No" path out of decision step 626 of Figure 6 of McDermott as corresponding to the decision of whether or not the

selected channel is found in a memory.¹ As clearly illustrated in Figure 6, however, when the virtual channel is not in the VCT, tuning is stopped and message is displayed on the screen. In contrast, Applicant's claim 1 recites that when the control unit does not find the channel information in the memory

the control unit shifts a frequency to search for the physical channel and references the VCT for channel selection when it could obtain the VCT and, otherwise, selects such a channel that has the smallest sub-channel number in the same physical channel as the desired channel.

There is no disclosure or suggestion in McDermott that the "No" path out of decision step 626 of Figure 6 would result in a shifting of a frequency to search for a physical channel, referencing a VCT for channel selection when the VCT can be obtained, or selecting the smallest sub-channel in the same physical channel as the desired channel when the VCT cannot be obtained. Accordingly, McDermott does not disclose or suggest element (II) of claim 1.

¹ Office Action at page 4.

Nevertheless, after citing the “No” path out of decision step 626 as disclosing the failure to find a sub-channel in memory, the Office Action then concludes that

every time a new physical channel associated with the major channel is tuned to, the latest VCT is obtained...Accordingly, the control unit obtains the latest VCT for aiding channel selection.²

This statement makes clear that the rejection is not considering all of the elements of claim 1. Specifically, claim 1 recites that the shift in frequency and attempt to obtain the VCT occurs *when the control unit does not find the channel information in memory*. Accordingly, as is clear from Figure 6 of McDermott, when the virtual channel is not in the VCT, tuning is stopped and message is displayed on the screen. McDermott does not disclose that when the virtual channel is not in the VCT a new VCT is obtained. Furthermore, McDermott's disclosure of obtaining a new VCT *before* determining whether the virtual channel is in the VCT is not the same as shifting a frequency and attempting to obtain the VCT occurs *when the control unit does not find the channel information in memory* as recited in Applicants' claim 1.

The Office Action cites Mears for the disclosure of selecting a particular subchannel number when an invalid subchannel number is selected; and Kim for

² *Id.*

the disclosure of some subchannels being inactive at particular points in time. Mears and Kim, however, do not disclose or suggest shifting of a frequency to search for a physical channel, referencing a VCT for channel selection when the VCT can be obtain, or selecting the smallest sub-channel in the same physical channel as the desired channel when the VCT cannot be obtained. Accordingly, even if one of ordinary skill in the art would have been motivated to combine McDermott, Mears and Kim, the combination would not disclose or suggest element (II) of claim 1.

Claim 2 recites that “when the control unit fails to select the desired channel based on information stored in the memory because the desired channel is not currently being aired, the control unit obtains the latest VCT and selects such a channel in the VCT that has the smallest sub-channel number in the same main channel as the desired channel or to select such a channel that has the smallest.” Accordingly, claim 2 is patentably distinguishable over the combination of McDermott, Mears and Kim for similar reasons to those discussed above with regard to claim 1. Claim 4 is patentably distinguishable at least by virtue of its dependency from claim 2.

For at least those reasons set forth above, it is respectfully requested that the rejection of claims 1, 2 and 4 as being obvious in view of the combination of McDermott, Mears and Kim be withdrawn.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott and Mears. This ground of rejection is respectfully traversed.

The combination of McDermott and Mears does not disclose or suggest at least the following element of amended claim 5:

determining whether a channel corresponding to the channel changing instruction is stored in a memory, wherein a channel is stored in the memory due to a previous selection of a main channel corresponding to a main channel of the channel changing instruction.

McDermott and Mears are both silent regarding storing a channel in memory due to a previous selection of a main channel corresponding to a main channel of the channel changing instruction. Accordingly, the combination of McDermott and Mears does not render claim 5 obvious, and this rejection should be withdrawn.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott, Mears and U.S. Patent No. 6,483,547 (Eyer). This ground of rejection is respectfully traversed.

Claim 6 depends from claim 5. As discussed above, the combination of McDermott and Mears does not disclose or suggest all of the elements of claim 5.

It is respectfully submitted that Eyer does not remedy the above-identified deficiencies of the combination of McDermott and Mears. Accordingly, it is respectfully requested that the rejection of claim 6 as being obvious in view of the combination of McDermott, Mears and Eyer be withdrawn.

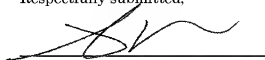
New dependent claims 7-9 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from independent claims 1, 2 or 5.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010482.50891).

Respectfully submitted,

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